

Appl. No. 09/246,578
Amdt. Dated September 28, 2004
Reply to final Office Action of July 28, 2004.

REMARKS/ARGUMENTS

This Amendment is in response to the final Office Action mailed July 28, 2004. In the final Office Action, claims 1-20 are rejected under 35 U.S.C. § 103. Reconsideration in light of the remarks made herein is respectfully requested.

Claims 1-20 remain in this application.

Rejection Under 35 U.S.C. § 103

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Turner et al. (US 6,084,956), in view of Boese et al. (US 5,084,816). Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143, p. 2100-124 (8th Ed., rev. 1, Feb. 2003). Applicants respectfully contend that there is no suggestion or motivation to combine their teachings. Before setting forth the reasons for traversing the outstanding §103(a) rejection, a brief review of the cited references may be appropriate.

Turner discloses the interworking function which couples the network controller and the data network to the SS7 network (Turner, col. 5, lines 38-39). The control message processing function in the network access server models and maintains a basic set of states for controlling and managing the trunk resource (Turner, col. 8, lines 38-41).

Boese discloses real time fault tolerant transaction processing system. Link status signal units (LSSUs) indicate status of the link (Boese, col. 17, lines 48-49). A preset message is sent with a routing label for a specific destination. When this specific destination receives this message, it must acknowledge receipt (Boese, col. 18, lines 23-28).

Turner does not disclose or suggest sending a status message to a gateway. Turner merely discloses sending a response message to reflect the status of a trunk resource (Turner, col.

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8, lines 41-45). There is no motivation to combine Turner and Boese because neither discloses or suggests sending a status message to a gateway and acknowledging that the status message was received or sending a continuity check message from a gateway to an access server and sending a continuity check result message to the gateway. Specifically, Turner merely discloses call control messages to initiate incoming calls and to terminate calls (Turner, col. 2, lines 50-54); lines 65-67). The interworking node includes functions to process an incoming call (Turner, col. 6, lines 55-57). Therefore, there is no motivation for the interworking node to send a status and/or acknowledge receipt of the status because it merely receives an incoming call. Furthermore, the network access server (NAS) merely has control message processing function to model and maintain a basic set of states for controlling and managing the trunk resource (Turner, col. 8, lines 38-41). Since the NAS controls and manages the trunk resource, there is no motivation for the NAS to send a status message indicating that it is operational or a continuity check message and to receive an acknowledgement that the status message was received.

Similarly, Boese does not disclose an access server or a gateway. The status code in the link status signal unit (LSSU) is merely for a receiving node to notify the transmitting node of a link congestion (Boese, col. 15, lines 50-56). A receiving node is not an access server and a transmitting node is not a gateway. Furthermore, this status signal is about traffic congestion, and not to indicate that the access server is operational as recited in claim 2. In addition, Boese merely disclose a service control point (SCP) or a signal transfer point (STP). Neither aspects is an access server or a gateway. The SCP is used to merely control routing of telephone calls (Boese, col. 1, lines 30-32) and the STP is used merely to route a packet (Boese, col. 1, lines 60-67). Boese merely discloses the SCP acknowledging a preset message and a routing label, not a status message.

In light of the foregoing, Applicants respectfully request that the Examiner withdraw the rejection.

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Conclusion

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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